

## **REMARKS/ARGUMENTS**

The Applicant originally submitted Claims 1-30 in the application. In the present response, the Applicant has amended Claims 1, 8, 15 and 22 with subject matter included in the original specification. No claims have been canceled or added. Accordingly, Claims 1-30 are currently pending in the application.

### **I. Formal Matters and Objections**

The Examiner has objected to the specification as containing informalities. In response, the Applicant has amended the specification as suggested by the Examiner. Accordingly, the Applicant respectfully requests the Examiner to withdraw the objection to the specification.

The Examiner has also objected to the drawings for not including the correct labels for reference items 420 and 430. In response, the Applicant submits Replacement Sheet 4/4 that corrects the above mentioned labels. Accordingly, the Applicant respectfully requests the Examiner to withdraw the objection to the drawings.

### **II. Rejection of Claims 2, 9, 16 and 23 under 35 U.S.C. §112**

The Examiner has rejected Claims 2, 9, 16 and 23 under 35 U.S.C. §112, second paragraph, for being indefinite. More specifically, the Examiner asserts that “about 90° is indefinite. The Applicant respectfully disagrees.

According to §112, second paragraph, the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as the invention. If the scope of a claim can be determined by one having ordinary skill in the art,

then a claim is not indefinite. (*See* MPEP 706.03(d) in the Examiner Note for paragraph 7.34.01.) One skilled in the art would understand the scope of “about 90° “ as used in the context of the dependent claims. Accordingly, the §112, second paragraph, rejection is not appropriate and the Applicant respectfully requests the Examiner to withdraw the rejection and allow issuance of Claims 2, 9, 16 and 23.

**III. Rejection of Claims 1-2, 4-5, 8-9, 11-12, 15-16, 19-19, 22-23 and 25-26 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-2, 4-5, 8-9, 11-12, 15-16, 19-19, 22-23 and 25-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,597,725 to Ishii in view of U.S. Patent No. 5,251,020 to Sugiyama. The Applicant respectfully disagrees, however, since Ishii does not teach or suggest determining one of first and second angles of first and second points of a signal is an offset angle by which the signal has been rotated as recited in Claims 1, 8, 15 and 22.

Ishii is directed to providing a carrier phase follower that can follow the carrier phase even when the carrier phase angle varies with respect to a reference frequency signal due to a mismatch between the reference frequency signal and the carrier frequency. (*See* column 5, lines 11-15.) Ishii teaches the carrier phase angle between immediately preceding timing and current timing can be found by deciding a signal point. (*See* column 11, lines 1-3.) Phase angle decision unit 13 determines the signal point with respect to an offset phase angle  $\Delta$  and a phase angle  $\delta$ . (*See* column 10, lines 53-67 and Figures 5a-5c.) The resulting carrier phase angle, however, is not either the offset phase angle  $\Delta$  or the phase angle  $\delta$ . Instead, the carrier phase angle is determined by subtracting the offset phase angle  $\Delta$  from the phase angle  $\delta$ . (*See* column 11, lines 3-8.) Thus,

Ishii does not teach or suggest determining one of first and second angles is an offset angle by which a signal has been rotated as recited in Claims 1, 8, 15 and 22.

Sugiyama has not been cited to cure the above deficiency of Ishii but to teach a facsimile receiver and machine. (See page 4 of Examiner's Action.) Additionally, Sugiyama does not teach or suggest determining one of first and second angles is an offset angle by which a signal has been rotated as recited in Claims 1, 8, 15 and 22 but instead is directed to solving problems associated with a color imaging communication system. (See column 1, lines 9-10 and 29-31.) Accordingly, the cited combination of Ishii and Sugiyama does not teach or suggest each element of independent Claims 1, 8, 15 and 22.

Thus, the cited combination of Ishii and Sugiyama fails to teach or suggest each element of independent Claims 1, 8, 15 and 22 and each element of Claims dependent thereon. Ishii and Sugiyama, therefore, fail to provide a *prima facie* case of obviousness for Claims 1-2, 4-5, 8-9, 11-12, 15-16, 19-19, 22-23 and 25-26 and do not support the §103(a) rejection. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection and allow issuance of Claims 1-2, 4-5, 8-9, 11-12, 15-16, 19-19, 22-23 and 25-26.

#### **IV. Rejection of Claims 3, 6-7, 10, 13-14, 17, 20-21, 24 and 27-30 under 35 U.S.C. §103**

The Examiner has rejected dependent Claims 3, 6-7, 10, 13-14, 17, 20-21, 24 and 27-30 under 35 U.S.C. §103(a) as being unpatentable over Ishii in view of Sugiyama and in further view of U.S. Patent No. 5,790,594 to Peng for Claims 3, 10, 17 and 24, U.S. Patent No. 6,426,946 to Takagi, *et al.* for Claims 6-7, 13-14, 20-21 and 27-28, U.S. Patent No. 5,557,644 to Kuwabara for Claim 29, and U.S. Patent No. 5,175,746 to Inoue, *et al.* for Claim 30. None of these references, Peng, Takagi,

Kuwabara and Inoue, have been cited to cure the above deficiency of the cited combination of Ishii and Sugiyama. Instead, each of these references have been cited to teach the subject matter of the above designated dependent claims. The cited combinations, therefore, of Ishii and Sugiyama with either Peng, Takagi, Kuwabara or Inoue, do not teach or suggest each element of independent Claims 1, 8, 15 and 22. Thus, the combinations of Ishii and Sugiyama with either Peng, Takagi, Kuwabara or Inoue, does not provide a *prima facie* case of obviousness of independent Claims 1, 8, 15 and 22 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the rejection and allow issuance of Claims 3, 6-7, 10, 13-14, 17, 20-21, 24 and 27-30.

#### **V. Comment on Cited References**

The Applicant reserves further review of references cited but not relied upon if relied upon in the future.

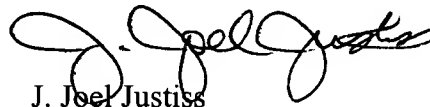
## VI. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-30.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read "J. Joel Justiss", written in a cursive style.

J. Joel Justiss

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1/19/05

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**IN THE DRAWINGS:**

The attached Replacement Sheet includes changes to Figure 4. The label for reference item 430 has been changed from "SYSTEM" to "FAX SYSTEM" and the label for reference item 420 has been changed from "TELECOMM CIRCUITRY" to "TELECOMMUNICATION CIRCUITRY."

Attachment: Replacement Sheet 4/4